THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION. No. 26560 of 2007

–

–

Date: 13.12.2007

Between:

Ch. Nagaraju & others.

... Petitioners

AND

The Chief Conservator of Forests,
Govt., of A.P., Saifabad, Hyderabad
& another.

... Respondents

Counsel for the petitioners : Sri M.C. Acharyulu

Counsel for the respondents : Assistant Government Pleader for Forests.

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION. No. 26560 of 2007

ORDER:-

This writ petition is filed for a writ of mandamus to declare the action of the respondents in preventing the petitioners from entering into their patta lands situated in R.S.No.191/2 of Pondugala Revenue Village, Mylavaram Mandal, Krishna District, as arbitrary and illegal.

The petitioners claim to be the owners of certain lands in R.S.No.191/2 of Pondugala Revenue Village having purchased under the registered sale deeds. They state that after the purchase of the properties, their names were mutated in the revenue records. The Forest Range Officer, Mylavaram, issued individual notices in Rc.No.47/2007 dated Nil.07.2007, wherein they were informed that they encroached the forest land of G.Konduru reserve forest in Pondugala Revenue Village under the guise of patta lands and they were instructed to send their remarks with all documentary evidence. The petitioners claim that in response to the said notices, they have already submitted their objections and that having received the same and without passing any order, respondent No.2 is unlawfully preventing them from entering into their lands.

Heard Sri M.C. Acharyulu, learned counsel for the petitioners and the learned Assistant Government Pleader for

Forest.

Respondent No.2, having issued notices, is under obligation to pass an appropriate order after considering the objections of the petitioners and till then he cannot prevent them from enjoying the properties in their respective possession. Therefore, the writ petition is disposed of without going into the merits of the case with a direction to respondent No.2 not to interfere with the possession of the petitioners in respect of the properties covered by the impugned notices until he passes orders on the objections raised by them in pursuance of the impugned notices.

As a sequel to disposal of the writ petition, WPMP.No.34647 of 2007 filed by the petitioners for interim relief is disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

Date: 13.12.2007
ES